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BEFORE THE
DEPARTMENT OF TRANSPORTATION
TRANSPORTATION SECURITY ADMINISTRATION
WASHINGTON, D.C.

In the Matter of:

AVIATION SECURITY
INFRASTRUCTURE FEE
DATA REPORTING

Docket TSA-2002-11334 -28

MOTION OF SOUTHWEST AIRLINES CO.
TO WITHHOLD FROM PUBLIC DISCLOSURE

Communications with respect to this document should be sent to:

Deborah Ackerman
Vice President - General Counsel
SOUTHWEST AIRLINES CO.
2702 Love Field Drive
P.O. Box 36611
Dallas, Texas 75235-1611

Robert W. Kneisley
Associate General Counsel
SOUTHWEST AIRLINES CO.
1250 Eye Street, N.W.
Suite 1110
Washington, D.C. 20005
(202) 682-4534
bob.kneisley@wnco.com

May 17, 2002

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DEPARTMENT OF TRANSPORTATION
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**MOTION OF SOUTHWEST AIRLINES CO.
TO WITHHOLD FROM PUBLIC DISCLOSURE**

Pursuant to Rule 12 of the Department's Rules of Practice (14 C.F.R. §302.12), Southwest Airlines Co. ("Southwest") hereby files this Motion to Withhold from Public Disclosure the information and data captioned in Appendix A, submitted to the Transportation Security Administration in accordance with 49 C.F.R. §1511.

The material for which confidentiality is sought includes Southwest's costs for providing passenger, property, and cargo screening in calendar year 2000. Consistent with 49 C.F.R. §1511.5(f), information submitted in Appendix A has been designated by the Department to be Sensitive Security Information and as such is to be protected from public disclosure under 49 U.S.C. §40119(b). This information and data provides detailed costs for specific components of airport security. In light of the importance of the sensitive nature of airport and aircraft security, such information is appropriately withheld from public disclosure.

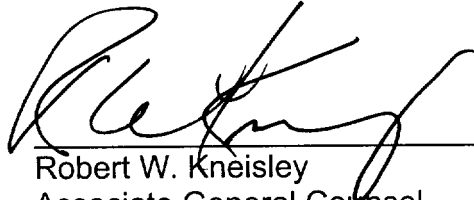
This information is properly withheld from public disclosure under Exemption 4 of the Freedom of Information Act, 5 U.S.C. §552(b)(4), which permits protection from disclosure for "trade secrets and commercial or financial information obtained from a

person and privileged or confidential.” See, e.g., Gulf & Western Industries, Inc. v. United States, 615 F.2d 527 (D.C. Cir. 1979); Critical Mass Energy Project v. NRC, 975 F.2d 871 (D.C. Cir. 1992). Three elements must be satisfied in order to protect information from public disclosure under 5 U.S.C. §552(b)(4). The information must be: (1) financial or commercial in nature, (2) obtained from a person outside the government, and (3) confidential or privileged. Gulf and Western Industries, *supra*, 615 F.2d at 529.

The information which Southwest seeks to protect from public disclosure satisfies these three elements. Southwest’s expenditures for passenger, property, and cargo screening for the calendar year 2000 are the result of negotiations between Southwest and security companies and equipment vendors; these expenditures are obviously “financial or commercial in nature.” Further, because the contracts are established between Southwest and various private security companies and equipment vendors, the information is obtained “from a person outside the government.” None of this information is obtained from a government agency or official. Finally, this information would not normally be made public by Southwest or the various security companies or equipment vendors that Southwest has contracted with across its system. Public disclosure could cause competitive harm to Southwest as the information reveals an important cost component of Southwest’s operation to competitors. Confidential treatment of this commercially sensitive information is particularly appropriate due to the privileged nature of the security and safety data involved.

WHEREFORE, Southwest hereby requests that confidential treatment be given to all information it files with the Department under Appendix A pursuant to 49 C.F.R. §1511 pertaining to passenger, property, and cargo screening costs for the calendar year 2000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Kneisley', is written over a horizontal line.

Robert W. Kneisley
Associate General Counsel
Southwest Airlines Co.
1250 Eye Street, N.W.
Suite 1110
Washington, D.C. 20005
202-682-4534

May 17, 2002